

PREFERRED EMBODIMENT" and duplicating said abstract sentences under said heading "ABSTRACT OF THE DISCLOSURE"; and

CMF
a parenthesis processor for automatically enclosing each reference numeral within parentheses in said claims and in said "ABSTRACT OF THE DISCLOSURE".

REMARKS

Claims 1-20 remain in the application with claims 1, 19 and 20 being independent.

The ABSTRACT has been edited to meet the limitation on the number of words.

All of the rejections under 35 U.S.C. Section 112 have been addressed by amendment. Applicant appreciates the Examiner's thorough examination of the application. As suggested by the Examiner the method claims have been amended to recite the step of composing by a user claims in the computer program instead of drafting, one of the synonyms of "drafting" being "composing", and as the Examiner suggests, more distinct and clear when combined with a user. It is clear that this invention has to do with "drafting" a patent application and the synonyms for that are to build, form, shape, fabricate, or manufacture, to cause to be, or to become, to create or develop. It has nothing to do with checking existing documents or parts thereof against one another. The subject invention is specific to creating or building a patent application in an orderly and precise step by step fashion, with steps successively dependent upon one another.

Again the '833 patent to Newman analyses an existing patent, it does not create one. As stated in line 43, column 2 of Newman "the analysis process

begins with a specified patent application or issued patent..." The subject claims relate to composing i.e., creating a patent application. The steps are completely different.

As to the heading set forth, they are merely representative of the various headings used over the years and are not met to be limiting but are exemplary and are not meant to be totally inclusive. The heading set forth herein are illustrative of equivalent headings that may be used in the invention. The heading will vary depending upon the user and the requirements of the various patent offices around the world.

The subject application is novel in reciting;

1. Claims 1, 19 and 20. duplicating and storing all of the claims under the heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" for creating the description for the first time. This does find response in Newman's loading of an existing patent application or patent into a memory. There is no correlation in Newman between the claims and the description. In the subject invention the description is a direct copy of the claims and is not created until the claims are finished.

2. Claims 3, 19 and 20, duplicating and storing an independent claim under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" to create the summary. Again, Newman edits an existing document, it does not create one. There is no suggestion whatsoever in Newman to copy the independent claim into the summary to create the summary. Everyone should know that the claims should have antecedent basis in the specification but no one suggests copying verbatim the broadest independent claim to create the summary.

3. Claims 4-7, 19 and 20, assigning reference numerals for the first

time for the first time by the steps of. . . searching for each occurrence of the element name and replacing same with the element name followed by the next even number to provide for the first time an identifying reference numeral for that element name. It is agreed that Newman does not suggest these steps of searching for elements and assigning reference numerals. These limitations are not a mere matching up of elements with reference numerals-that is done in every patent application-these steps are a method of assigning the reference numerals for the first time and in a particular sequence, i.e., the order in which the elements are first recited in the description, and automatically.

Newman certainly suggests the requirements of a patent, but Newman does not suggest the creation of an application to meet those requirements. In all definitions of the subject invention in the specification and claims it is clear that the application is being created by creating the claims, copying the claims verbatim to create the description, copying the broadest claim to create the summary, adding reference numerals to elements in the order in which the elements are mentioned in the description, etc. These are not mere steps of checking but steps of precise composing or creating and are not remotely suggested by Newman.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Applicant by this Response does not intend to abandon any equivalents under the doctrine of equivalents for the scope of any claim element between the literal scope of the claim element and the scope of the prior art. Any element


added to any claim is deemed to claim in a new application. Any amendment made to any claim is made subject to an equivalency existing between the language added and the prior art that need not be detailed here. Furthermore, any changes to the claims have been solely for the purpose of clarifying the invention as set forth in each of those claims.

Attached to the end of this document is a marked up version of the amendments to the specification and claims entitled **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

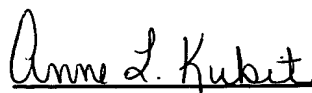
Respectfully submitted,

Date: November 19, 2002


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CERTIFICATE OF MAILING

I hereby certify that the attached Amendment for application serial number 09/273,021 filed March 19, 1999 is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on this **November 19, 2002.**


Anne L. Kubit

VERSION WITH MARKS TO SHOW CHANGES MADE

IN THE ABSTRACT:

A computer program and a computer for drafting a patent application including a template memory for storing and duplication standard headings and paragraphs of a patent and which interacts with other memories and processors to provide a structure and process to follow in preparing a patent application. An independent claim processor (12) duplicates an independent claim under the heading SUMMARY OF THE INVENTION AND ADVANTAGES and edits same into a grammatically correct sentence structure. A multiple claim processor (14) duplicates all of the claims under the heading DESCRIPTION OF THE PREFERRED EMBODIMENT and edits same into grammatically correct sentence structure. ~~[Also included are a reference number memory (16), which stores successive even numerals beginning with the number ten, and a Figure number memory (18), which stores the highest Figure number used to identify Figures of the drawings.]~~ A reference number processor (20) is responsive to [the] a Figure number memory (18) for searching and adding [an] reference numerals to the element names in the order of occurrence. ~~[An abstract processor (22) is included for selecting and storing and duplicating abstract sentences into the abstract from the description. A parenthesis processor (24) is included for automatically enclosing each reference numeral within parentheses in the claims and in the abstract.]~~

IN THE SPECIFICATION

Please amend the paragraph appearing on page 6, beginning on line 5 as follows:

The invention is characterized by an independent claim processor **12** for duplicating and storing an independent claim under the heading SUMMARY OF THE INVENTION AND ADVANTAGES and for editing the duplicated independent claim copied under the heading SUMMARY OF THE INVENTION AND ADVANTAGES is commensurate in scope to said independent claim. The independent claim processor **12** will code the space between the SUMMARY OF THE INVENTION AND ADVANTAGES and the next adjacent title BRIEF ~~[DESCRIPTION]~~ DESCRIPTION OF THE DRAWINGS to automatically replace the word "said" with - -the- - . The independent claim processor **12** will also automatically provide correct sentence structure, which, of course, can be manually changed by using a keyboard.

Please amend the paragraph appearing on page 9, beginning on line 4 as follows:

The fifth step is the storing of a Figure paragraph in the computer program immediately after the heading BRIEF ~~[DESCRIPTION]~~ DESCRIPTION OF THE DRAWINGS.

Please amend the paragraph appearing on page 9, beginning on line 10 as follows:

After all of the proceeding steps are complete, the seventh step is the drafting or creating in the computer of an independent claim beginning with the words characterized by and ending in a clause reciting and isolating the patentable novelty and preceded by at least one clause reciting prior art elements only to the

extent necessary to support and provide antecedent basis for the recitations in the characterized by clause. This independent claim is stored in the program and is absent of any reference numerals.

IN THE CLAIMS

Please amend claim 1 as follows:

1. (Twice Amended) A method of preparing a patent application with a computer comprising the steps of:

storing a document template in a computer program which contains the headings:

“BACKGROUND OF THE INVENTION

1) Field of the Invention

2) Description of the Prior Art

SUMMARY OF THE INVENTION AND ADVANTAGES

BRIEF ~~[DESCRIPTION]~~ DESCRIPTION OF THE DRAWINGS

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

CLAIMS

ABSTRACT OF THE DISCLOSURE”;

storing a page break immediately before the “CLAIMS” heading in the computer program;

storing a page break immediately before the “ABSTRACT OF THE DISCLOSURE” heading in the computer program;

storing a footer in the computer program for displaying the attorney file identification on every page of the application;

[~~drafting~~] composing by a user an independent claim in the computer program ending in a clause beginning with the words “characterized by” and reciting and isolating the patentable novelty and preceded by at least one clause reciting prior art elements to the extent necessary to support and provide antecedent basis for the “characterized by” clause;

[~~drafting~~] composing by a user claims in the computer program ultimately dependent upon the independent claim for successively more specifically defining the patentable novelty; and

characterized by storing a duplicate set of all of the claims in the computer program, and creating the description by retrieving the duplicate set of claims under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT”.

Please amend claim 2 as follows:

2. (Amended) The method as set forth in claim 1 including the step of searching for each occurrence of the word “said” in the duplicate set of claims copied into the specification, programming the computer program to replace the word “said” with the word [--the--] “the” in the duplicate set of claims copied into the specification, and editing the duplicate set of claims copied into the specification into grammatically correct sentence structure including adding verbs.

Please amend claim 3 as follows:

3. (Twice Amended) The method as set forth in claim 2 including the steps of storing a duplicate of the independent claim in the computer program, retrieving the duplicate independent claim under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES”, and editing the duplicate independent claim copied under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” into grammatically correct sentence structure including changing “said” to [--the--] “the” and adding verbs without adding further description whereby the “SUMMARY OF THE INVENTION AND ADVANTAGES” is commensurate in scope to the independent claim.

Please amend claim 4 as follows:

4. (Twice Amended) The method as set forth in claim 3 including assigning the first reference numeral for the first time by the steps of storing the element name of the first element recited in the duplicate set of claims and shown in the drawings, storing the first element name followed by a first selected even number above the highest numeral used to identify a Figure in the drawings, searching for each occurrence of the first element name and replacing same with the first element name followed by the selected even number to provide a first identifying reference numeral for the first element name.

Please amend claim 5 as follows:

5. (Twice Amended) The method as set forth in claim 4 including assigning the second reference numeral for the first time by the steps of storing the element name of the second element recited in the duplicate set of claims and shown in the drawings, storing the second element name followed by the next even number following the reference numeral used to identify the first element name, searching for each occurrence of the second element name and replacing same with the second element name followed by said next even number to provide a second identifying reference numeral for the second element name.

Please amend claim 6 as follows:

6. (Amended) The method as set forth in claim 5 including the steps adding each reference numeral to every showing of the element in the drawings[~~in response to that element being assigned a reference number~~].

Please amend claim 7 as follows:

7. (Twice Amended) The method as set forth in claim 3 including assigning reference numerals for the first time by the steps of storing the element names of the elements in the order recited in the duplicate set of claims, storing successive even numbers beginning with a number above the highest Figure number to identify the respective element names, and searching for each occurrence of each respective element name in the order of occurrence in the duplicate set of claims and replacing each respective element name with that respective element name followed by successive ones of said even numbers to provide identifying reference numerals for the element names in the order of occurrence in the duplicate set of claims.

Please amend claim 9 as follows:

9. (Twice Amended) The method as set forth in claim 7 including the steps of selecting and storing abstract sentences including reference numbers from under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT” which most succinctly and specifically describe the elements

shown in the drawings with a description of the elements in the “characterized by” clause commensurate with the specificity recited in dependent claims, and retrieving the abstract sentences under the heading “ABSTRACT OF THE DISCLOSURE”.

Please amend claim 10 as follows:

10. (Twice Amended) The method as set forth in claim 9 including the step of storing each reference numeral recited in the “CLAIMS” and in the “ABSTRACT OF THE DISCLOSURE” within parenthesis “()”, searching and replacing each such reference number in the “CLAIMS” and in the “ABSTRACT OF THE DISCLOSURE” with the corresponding stored reference number within parentheses “()”.

Please amend claim 11 as follows:

11. (Amended) The method as set forth in claim 10 including the step of [~~drafting~~] composing by the user a sentence under the “Technical Field” heading stating the art to which the invention contributes.

Please amend claim 12 as follows:

12. (Amended) The method as set forth in claim 11 including the step of [~~drafting~~] composing by the user a description of the specific state of the prior art under the heading “Prior Art” ending with the problem which the recitation in the “characterized by” clause solves.

Please amend claim 13 as follows:

13. (Amended) The method as set forth in claim 12 including the step of [~~drafting~~] composing by the user a second paragraph under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” reciting the advantages of the patentable novelty [~~set forth~~] recited in the “characterized by clause”.

Please amend claim 14 as follows:

14. (Amended) The method as set forth in claim 13 including the step of adding a heading “RELATED APPLICATION” and [~~drafting~~] composing by the user a paragraph identifying a related application.

Please amend claim 16 as follows:

16. (Amended) The method as set forth in claim 13 including the step of ~~[drafting]~~ composing by the user a subparagraph for each Figure of the drawings under the heading “BRIEF DESCRIPTION OF THE DRAWINGS” to identify the type of view and what is shown.

Please amend claim 17 as follows:

17. (Amended) The method as set forth in claim 14 wherein the step of storing a document template in a computer program is further defined as storing the following paragraph immediately after the heading “BRIEF ~~[DESCRIPSON]~~ DESCRIPTION OF THE DRAWINGS”

“Other advantages of the present invention will be readily appreciated as the same becomes better understood by reference to the following detailed description when considered in connection with the accompanying drawings wherein:

Figure 1 is ;

Figure 2 is ;

Figure 3 is ;

Figure 4 is ; and

Figure 5 is .”

Please amend claim 18 as follows:

18. (Amended) The method as set forth in claim 13 wherein the step of storing a document template in a computer program is further defined as storing the following paragraphs immediately before the page break before the heading "CLAIMS":

"The invention has been described in an illustrative manner, and it is to be understood that the terminology which has been used is intended to be in the nature of words of description rather than of limitation.

Obviously, many modifications and variations of the present invention are possible in light of the above teachings. It is, therefore, to be understood that within the scope of the appended claims, wherein reference numerals are merely for convenience and are not to be in any way limiting, the invention may be practiced otherwise than as specifically described."

Please amend claim 19 as follows:

19. (Twice Amended) A method of preparing a patent application with a computer characterized by performing the following steps:

storing a document template in a computer program which contains the headings,

"BACKGROUND OF THE INVENTION

1)Field of the Invention

2)Description of the Prior Art

SUMMARY OF THE INVENTION AND ADVANTAGES

BRIEF ~~[DESCRIPTION]~~ DESCRIPTION OF THE DRAWINGS

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

CLAIMS

ABSTRACT OF THE DISCLOSURE”;

storing a page break in the computer program immediately before the “CLAIMS” heading;

storing a page break in the computer program immediately before the heading “ABSTRACT OF THE DISCLOSURE”;

storing a footer in the computer program for displaying the attorney file identification on every page of the application;

storing a Figure paragraph in the computer program immediately after the heading “BRIEF [DESCRIPTON] DESCRIPTION OF THE DRAWINGS”;

storing a terminal paragraph in the computer program stating it is to be understood that reference numerals in the claims are merely for convenience and are not to be in any way limiting immediately before the page break before the heading “CLAIMS”;

[~~drafting~~] composing by a user an independent claim in the computer program beginning with the words “characterized by” and ending in a clause reciting and isolating the patentable novelty and preceded by at least one clause reciting prior art elements only to the extent necessary to support and provide antecedent basis for the recitations in the “characterized by” clause;

[~~drafting~~] composing by a user claims in the computer program ultimately dependent upon the independent claim for successively more specifically defining the patentable novelty;

storing a duplicate of the independent claim in the computer program,

retrieving the stored independent claim under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES”, and editing the duplicate independent claim copied under the heading “SUMMARY OF THE INVENTION AND ADVANTAGES” into grammatically correct sentence structure including changing the word “said” to [--the--] “the” and adding verbs without adding further description whereby the “SUMMARY OF THE INVENTION AND ADVANTAGES” is commensurate in scope to the independent claim;

storing a duplicate set of all of the claims in the computer program, and creating the description by retrieving the duplicate set of claims under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT”;

searching for each occurrence of the word “said” in the duplicate set of claims copied into the specification, programming the computer program to replace the word “said” with the word [--the--] “the” in the duplicate set of claims copied into the specification, and editing the duplicate set of claims copied into the specification into grammatically correct sentence structure including adding verbs;

storing the element names in the computer program of the elements in the order recited in the duplicate set of claims, storing in the computer program successive even numbers beginning with a number above the highest Figure number to identify the respective element names, and searching in the computer program for each occurrence of each respective element name in the order of occurrence in the duplicate set of claims and replacing each respective element name with that respective element name followed by successive ones of the even numbers to provide for the first time identifying reference numerals for the element names in the order of occurrence in the duplicate set of claims;

adding each reference numeral to every showing of the element in the drawings~~[in response to that element being assigned a reference numeral]~~;

selecting and storing in the computer program abstract sentences including reference numbers from under the heading “DESCRIPTION OF THE PREFERRED EMBODIMENT” which most succinctly and specifically describe the elements shown in the drawings with a description of the elements in the “characterized by” clause commensurate with the specificity recited in dependent claims, and retrieving the abstract sentences under the heading “ABSTRACT OF THE DISCLOSURE”;

storing in the computer program each reference numeral recited in the “CLAIMS” and in the “ABSTRACT OF THE DISCLOSURE” within parenthesis “()”, searching in the computer program and replacing each such reference numeral in the “CLAIMS” and in the “ABSTRACT OF THE DISCLOSURE” with the corresponding stored reference number within parentheses “()”.

Please amend claim 20 as follows:

20. (Twice Amended) A computer program and a computer comprising:

a template memory containing a document template containing the headings,

“BACKGROUND OF THE INVENTION

- 1) Field of the Invention
- 2) Description of the Prior Art

SUMMARY OF THE INVENTION AND ADVANTAGES

BRIEF ~~[DESCRIPTION]~~ DESCRIPTION OF THE DRAWINGS
DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT
CLAIMS

ABSTRACT OF THE DISCLOSURE”; and

a page break immediately before said heading “CLAIMS” in the computer program; and

a page break separating said heading “ABSTRACT OF THE DISCLOSURE” from the remainder of said headings in the computer program; and

a footer for displaying the attorney file identification in the margin of every page of the application; and

the ~~[paragraph]~~ text,

“Other advantages of the present invention will be readily appreciated as the same becomes better understood by reference to the following detailed description when considered in connection with the accompanying drawings wherein:

Figure 1 is ;

Figure 2 is ;

Figure 3 is ;

Figure 4 is ; and

Figure 5 is .”

immediately after the heading "BRIEF ~~DESCRIPTION~~ DESCRIPTION OF THE DRAWINGS";

the ~~[following paragraphs]~~ the text,

"The invention has been described in an illustrative manner, and it is to be understood that the terminology which has been used is intended to be in the nature of words of description rather than of limitation.

Obviously, many modifications and variations of the present

invention are possible in light of the above teachings. It is, therefore, to be understood that within the scope of the appended claims, wherein reference numerals are merely for convenience and are not to be in any way limiting, the invention may be practiced otherwise than as specifically described."

~~[immediately]~~ before said page break preceding the heading "CLAIMS";

and characterized by an independent claim processor for duplicating and storing an independent claim under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" and for editing the duplicated independent claim copied under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" into grammatically correct sentence structure including

changing "said" to [--the--] "the" and adding verbs whereby the recitation under the heading "SUMMARY OF THE INVENTION AND ADVANTAGES" is commensurate in scope to said independent claim;

a multiple claim processor for duplicating and storing all of the claims under said heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" for creating the description and for searching and replacing each occurrence of the word "said" in said duplicate set of claims copied under the heading "DESCRIPTION OF THE PREFERRED EMBODIMENT" with the word [--the-] "the", and for editing said duplicate set of claims into grammatically correct sentence structure;

a reference number memory for storing successive even numbers beginning with the number ten;

a Figure number memory for receiving and storing the highest Figure number used to identify Figures of the drawings;

a reference number processor responsive to said Figure number memory for storing the element names of the elements in the order recited in said duplicate set of claims and for searching and replacing each occurrence of each respective element name in the order of occurrence in said duplicate set of claims with said respective element name followed by successive ones of said even numbers beginning with the first number ending in zero following the highest Figure number to provide for the first time identifying reference numerals for said element names in the order of occurrence in said duplicate set of claims;

an abstract processor for selecting and storing abstract sentences including said reference numerals from under said heading “DESCRIPTION OF THE PREFERRED EMBODIMENT” and duplicating said abstract sentences under said heading “ABSTRACT OF THE DISCLOSURE”; and

a parenthesis processor for automatically enclosing each reference numeral within parentheses in said claims and in said “ABSTRACT OF THE DISCLOSURE”.